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OTHER LEGISLATIVE MEETINGS

ITEM-300: ROLL CALL.

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under “Non-Agenda Public Comment.”

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE ===

Noticed Hearings, Discussion

ITEM-330: Two actions related to a Street Vacation - Portion of Black Mountain Road and Carmel Valley Road. (Pacific Highlands Ranch Community Plan Area. District 1.)

CITY MANAGER'S RECOMMENDATION: Adopt the resolutions.

ITEM-331: YWCA Transitional Housing Facility. (Pacific Beach Community Plan Area. District 2.)

Matter of approving, conditionally approving, modifying or denying an application for a Conditional Use Permit amending Conditional Use Permit No. 168-PC, Site Development Permit and Easement Abandonment to demolish the existing buildings and construct a 16,169 square foot transitional housing facility. The facility will include an administration building and fourteen dwelling units housed in two structures. The 0.62-acre site is located between Soledad Mountain Road and Pico Street, within the Pacific Beach Community Plan.

CITY MANAGER'S RECOMMENDATION: Adopt the resolutions in subitems A and C; and adopt the resolution in subitem B to grant the permits.

ITEM-332: Street Vacation - Portion of Fay Avenue. (La Jolla Community Plan Area. District 1.)

CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

Adoption Agenda, Discussion, Other Legislative Items

ITEM-333: Exchange of Properties with Spiazzi Family Trust. (La Jolla Community Area. District 1.)

CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

=== LEGISLATIVE SCHEDULE (Continued)===

Adoption Agenda, Discussion, Committee Items

ITEM-334:

Accepting the Right To Know Committee's Recommendation.

RIGHT TO KNOW COMMITTEE'S RECOMMENDATION:

Accept actions included in the Right to Know Committee final report regarding the following: 1 - Final adoption of the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meetings, 2 - Serial Meetings, 3 - Non-Agenda Public Comment, 4 - Right To Know Committee Regular Meetings, 5 - Public's Ability To Obtain Documents, 6 - Noticing of Meetings and Supplemental Agenda Items, 7 – Conduct further research regarding the extension of the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meetings to all Boards and Commissions associated with the City of San Diego

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-330: Two actions related to a Street Vacation - Portion of Black Mountain Road and Carmel Valley Road.

(Pacific Highlands Ranch Community Plan Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-709)

Adoption of a Resolution approving the Street Vacation No. 132570 and vacating the easement portions of Black Mountain Road and Carmel Valley Road.

Subitem-B: (R-2005-710)

Adoption of a Resolution certifying that the information contained in the LDR File No. 99-1294 and 46796 have been completed in compliance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines; and that said MEIR Findings reflect the independent judgment of the City of San Diego as Lead Agency; and that pursuant to section 15179(a) of the State CEQA Guidelines, no substantial changes have occurred with respect to the circumstances under which the MEIR was certified, and there is no new available information which was not known and could not have been known at the time the MEIR was certified; and stating for the record that the MEIR Findings have been reviewed and considered prior to approving the street vacation; and adopting the project-specific Mitigation, Monitoring and Reporting Program;

That pursuant to California Public Resource Code section 21157.1 and California Code of Regulations section 15177, the City Council adopts the following findings:

- a) that the Pacific Highlands Ranch Units 2-4 project, which includes a street vacation, was considered within the scope of analysis in the MEIR.
- b) that the implementation of the street vacation would not result in any additional significant effects on the environment beyond those identified in the MEIR, as defined in Subdivision (d) of section 21158 of the Public Resource Code, and as such, the proposed project would not require additional mitigation measures and/or alternatives analysis.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-330: (Continued)

Subitem-B: (Continued)

- c) that the proposed street vacation is considered to be within the scope of analysis of the Sub-area Plan as examined by the MEIR and no new environmental document or findings pursuant to section 21081 of the Public Resources Code are required.
- d) that pursuant to section 21157.6 of the Public Resources Code, no substantial changes have occurred with respect to the circumstances under which the MEIR was certified or that no new information, which was not known and could not have been known at the time the MEIR was certified as complete, has become available.

CITY MANAGER SUPPORTING INFORMATION:

Council action is requested to vacate a portion of Black Mountain Road and Carmel Valley Road where these portions are no longer required due to a new alignment and reconfiguration of the roads. The streets are located within the Pacific Highlands Ranch Subarea III within Council District 1.

There is no officially recognized community-planning group in the Pacific Highlands Ranch area as it is a new and developing community. The Carmel Valley Community Planning Board acts in an advisory capacity as the adjacent community. On October 12, 2004, the Carmel Valley Community Planning Board voted unanimously to support the street vacation.

The street vacation qualifies as a summary action and no Planning Commission recommendation is required. The street vacation does not contain public facilities that would be affected by the vacation; existing franchise facilities will be rerouted; the area of the vacation will be no longer needed with the new improvements of Black Mountain Road and Carmel Valley Road; and is not required for present or future use.

Staff recommends the City Council APPROVE Street Vacation No. 132570.

FISCAL IMPACT:

No cost to the City. All costs are recovered through a deposit account funded by the applicant.

Ewell/Halbert/JSF

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: YWCA Transitional Housing Facility.

Matter of approving, conditionally approving, modifying or denying an application for a Conditional Use Permit amending Conditional Use Permit No. 168-PC, Site Development Permit and Easement Abandonment to demolish the existing buildings and construct a 16,169 square foot transitional housing facility. The facility will include an administration building and fourteen dwelling units housed in two structures. The 0.62-acre site is located between Soledad Mountain Road and Pico Street, within the Pacific Beach Community Plan.

(Revised Final MND Project No. 44721/CUP No. 127054/SDP No. 142713/Amendment to CUP No. 168-PC/Easement Vacation No. 142714/Project No. 44721. Pacific Beach Community Plan Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems A and C; and adopt the resolution in subitem B to grant the permits:

Subitem-A: (R-2005-733)

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration Project No. 44721, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a conditional use permit, site development permit, and easement abandonment for the YWCA Transitional Housing Facility;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

Subitem-A: (Continued)

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2005-)

Adoption of a Resolution granting or denying Conditional Use Permit No. 127054/Site Development Permit No. 142713, Amendment to Conditional Use Permit No. 168-PC, with appropriate findings to support Council action.

Subitem-C: (R-2005-734)

Adoption of a Resolution ordering vacated together with a revestment of access rights for Soledad Mountain Road the portion of Easement Abandonment No. 142714 located within the Pacific Beach Community Plan area in connection with Conditional Use Permit No. 127054 and Site Development Permit No. 142713, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20260-B, marked as Exhibit "B," and on file in the office of the City Clerk are by this reference incorporated herein and made a part hereof;

That said easement abandonment is conditioned upon approval and issuance of Conditional Use Permit No. 127054 and Site Development Permit No. 142713. In the event this condition is not completed within two years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect;

That the City Engineer shall advise the City Clerk of the completion of the aforementioned condition and the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by him under seal, to be recorded in the office of the County Recorder;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

Subitem-C: (Continued)

That the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by him under seal, to be recorded in the office of the County Recorder.

OTHER RECOMMENDATIONS:

The Pacific Beach Community Planning Board on August 23, 2004, voted 13-1-0 to recommend approval of the proposed project.

SUPPORTING INFORMATION:

This is a request for a Conditional Use Permit to allow the demolition of the existing buildings and construction of a 16,169 square foot Transitional Housing site. The project will include an administration building and fourteen two bedroom dwelling units housed in two structures. Approval of this project would amend Conditional Use Permit No. 168-PC which was issued to the YWCA in 1968 for operation of a Program Center at this location. A Transitional Housing facility project does not require a Planning Commission recommendation. This project is being processed through the Affordable/In-Fill Housing and Sustainable Building Expedite Program. The project provides affordable housing and sustainable buildings per Council Policies 600-27 and 900-14. Project approvals include a Site Development Permit and Easement Vacation. Affordable/In-Fill Housing projects may request a deviation from the applicable development regulations pursuant to a Site Development Permit. The project proposes two Deviations; one for a Floor Area Ratio total of 0.6 where 0.45 would be required, and the second for six bay window architectural projections into the required rear yard setback where two would be allowed. The project includes the vacation of a sewer easement traversing the site and relocation of the sewer main to Garnet Avenue. The easement has been superseded by relocation and there are no other public facilities located within the easement.

FISCAL IMPACT:

None with this action. All Development Services Department processing costs are recovered by a deposit account funded by the applicant.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

HOUSING IMPACT:

This project will create fourteen (14) two-bedroom units for victims fleeing domestic violence. The State of California financing program that has approved this project for state funds require that 30% of the units are to provide affordability to extremely low income families and the remaining 70% of the units are to be affordable to very-low income families. This requirement would result in five units affordable at 30% or less of the AMI (\$16,450 for a family of two) and nine units affordable at 50% or less of the AMI (\$27,400 for a family of two). However, the YWCA intends to provide an even greater affordability with all 14 units affordable at 30% of the Area Median Income (AMI). Therefore, the Rental Income and the Pro Forma have been calculated to reflect all 14 units affordable at 30% AMI for a more realistic analysis.

ENERGY IMPACT:

This project will meet the sustainable buildings requirement by providing roof-mounted photovoltaic systems consisting of solar panels sufficient to generate at least 50 percent of the proposed project's projected energy consumption.

Ewell/Halbert/DM

LEGAL DESCRIPTION:

The project site lies within the RS-1-7 Zone, the Coastal Height Limit Overlay Zone, and within the Pacific Beach Community Plan area.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-332: Street Vacation - Portion of Fay Avenue.

(La Jolla Community Plan Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-434 Cor. Copy)

Vacating a portion of Fay Avenue, reserving there from a general utility together with ingress and egress for that purpose.

CITY MANAGER SUPPORTING INFORMATION:

The vacation of a portion of Fay Avenue has been requested by Mario Spiazzi, the adjoining property owner at 6111 La Jolla Boulevard. The street segment proposed for vacation is unimproved. This part of Fay Avenue was acquired by the City of San Diego in 1958 and in 1960 for a proposed street between La Jolla Boulevard and Nautilus Street. The street was not constructed and this part of Fay Avenue will not be utilized for right of way purposes.

Mr. Spiazzi owns two lots adjacent to this part of Fay Avenue. One lot is vacant and the other lot is occupied by a single-family residence. These lots are substandard size because parts of these lots were acquired for the proposed Fay Street extension. When the street is vacated, the land underlying this part of Fay Avenue will be City owned property unencumbered by the street easement.

In a land exchange with the City, (a companion action before the City Council), one of Mr. Spiazzi's substandard lots will be exchanged for the vacated part of City owned Fay Avenue adjacent to Mr. Spiazzi's second lot. When the exchange is completed and the street vacated, the two lots will each then be full size. One new full size lot will belong to Mr. Spiazzi and one full size lot will belong to the City of San Diego. Along with the vacated street, the lot size retained by Mr. Spiazzi would be increased from 4,184 to 7,350 square feet. The vacated street along with Mr. Spiazzi's second lot would increase the City property from 5,828 to 7,350 square feet.

The local community planning group, the La Jolla Community Planning Association voted in favor of the street vacation 10 yes, 0 no, 1 abstention. Since this application has been in process for many years, the community-planning group was re-contacted and upheld the original vote.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-332: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

FINDINGS: Staff review has indicated that the right-of-way to be vacated may be summarily vacated and that the four required findings for vacation can be made.

1. That there is no prospective use for the right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated – The Fay Avenue extension is no longer being considered. A utility easement will be reserved for an existing SDG&E facility.
2. That the public will benefit from the action through improved utilization of land made possible by the street vacation – The vacated street and land exchange will create a City owned full size lot that is usable and more valuable than the current substandard City owned property.
3. That the vacation is not inconsistent with the General Plan, an approved Community Plan or the Local Coastal Program – La Jolla Community Planning Association recommends approval of the street vacation.
4. That the facility for which the right-of-way as originally acquired will not be detrimentally affected by the street vacation – There are no present or future plans to construct a street in this area.

FISCAL IMPACT:

None. All costs are paid for by the applicant.

DEVELOPMENT SERVICES DEPARTMENT'S RECOMMENDATION:

Approval of this request.

Loveland/Broughton/AKW

NOTE: This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

NOTE: See Item 333 on today's docket for a companion item.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-333: Exchange of Properties with Spiazzi Family Trust.

(La Jolla Community Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-635 Cor. Copy)

Authorizing the City Manager, or his designee, to exchange the City's property consisting of 0.07 acres described as that portion of vacated Fay Avenue, being a portion of Lot 6 in Block 18 of La Jolla Hermosa, Map 1810 for the property owned by the Spiazzi Family Trust consisting of 0.03 acres described as that portion of Lot 7 in Block 18 of La Jolla Hermosa, Map 1810, and a payment by the Spiazzi Family Trust to the City of \$183,000;

Authorizing the City Manager, or his designee, as part of the property exchange, to execute a grant deed conveying to the Spiazzi Family Trust fee title in a vacated portion of Fay Avenue, being a portion of Lot 6 in Block 18 of La Jolla Hermosa, Map 1810;

Authorizing the City Manager, or his designee, as part of the property exchange, to accept a grant deed from Spiazzi Family Trust conveying to City fee title in a portion of Lot 7 in Block 18 of La Jolla Hermosa, Map 1810, and to accept payment of \$183,000 to be deposited in General Capital Outlay Fund No. 302453.

CITY MANAGER SUPPORTING INFORMATION:

In 1958 and 1959, the City purchased portions of residential lots between La Jolla Boulevard and La Jolla Hermosa Avenue for the future extension of Fay Avenue. The extension was dedicated as public street, but the extension was never built and the project was entirely abandoned in 1997. Most of the existing improvements on the portions of these residential lots acquired by the City in the 1950s were never removed by either the City or the homeowners. In the case of the Spiazzi Family Trust residence, the City acquired and dedicated as street the entire backyard, including the detached garage. These improvements were never removed and have continued to be used by various owners of the residence to this day.

The Spiazzi Family Trust contacted the City about vacating the street and buying back the rest of its lot to eliminate the cloud on title and make the lot whole again.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-333: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

The Spiazzi Family Trust also owns a portion of the vacant lot next door to its residence with the City owning the balance of the lot. The City's portion is unimproved street right of way that requires a street vacation. By including the City's portion in the street vacation and exchanging the Spiazzi's portion of the vacant lot to the City for the City's portion of the Spiazzi residence, the Spiazzi Family Trust will then have full ownership of its lot and the City will have full ownership of the entire adjacent lot, which is a buildable lot valued at \$700,000. The exchange will not affect the nearby La Jolla Methodist Church property and is consistent with Council Policy 700-10, which permits exchanges to correct site deficiencies.

The value of the 0.07-acre parcel to be conveyed to Spiazzi Family Trust is \$328,000. The value of the 0.03-acre parcel to be conveyed to the City is \$145,000, leaving a difference of \$183,000 which the Spiazzi Family Trust will pay the City. The values were determined by independent fee appraisal in September 2004 and approved by City staff. The Spiazzi Family Trust is paying all costs in this transaction, including appraisal, street vacation, mapping, title, and escrow. The proposed street vacation and land exchange will be presented to Council as companion items.

FISCAL IMPACT:

\$183,000 will be deposited into the General Capital Outlay Fund 302453.

Herring/Griffith/PTC

NOTE: See Item 332 on today's docket for a companion item.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

COMMITTEE ON RIGHT TO KNOW:
RESOLUTION:

ITEM-334: Right to Know Committee Recommendations.

(See Right to Know Committee Recommendations Report No. RTK-1 dated 07/23/2004.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-769)

Accepting the recommendations in the Right to Know Committee Report No. RTK-1, dated July 23, 2004.

RIGHT TO KNOW COMMITTEE'S RECOMMENDATION:

On 05/27/2004, 6/16/2004, and 6/23/2004, RTK voted to accept actions included in the Right to Know Committee final report:

1. **Final adoption of the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meetings for consideration by the Rules, Finance, and Intergovernmental Relations Committee** (June 23, 2004, meeting)

Action: to adopt and recommend for consideration as a permanent rule by the Rules, Finance, and Intergovernmental Relations Committee the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meetings with the caveat that Councilmember Madaffer does not support Section IV: *Transcript of Closed Sessions* of the temporary rule. (See RTK-1, Attachment 1 for the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meetings.)

Vote: 3-0; Frye-yea, Atkins-yea, Madaffer-yea

2. **Serial Meetings** (June 23, 2004, meeting)

Action: to adopt language from Section 54952.2 of the Ralph M. Brown Act to be incorporated into Chapter 2 of the San Diego Municipal Code that would clarify the Brown Act's prohibition of serial meetings. (See RTK-1, Attachment 2 for recommended language.)

Vote: 3-0; Frye-yea, Atkins-yea, Madaffer-yea

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS (Continued)

COMMITTEE ON RIGHT TO KNOW:

RESOLUTION: (Continued)

ITEM-334: (Continued)

RIGHT TO KNOW COMMITTEE'S RECOMADATION: (Continued)

3. **Non-Agenda Public Comment** (June 23, 2004, meeting)

Action: to adopt the proposed language amending Rule 8 (Non-Agenda Public Comment) of the San Diego Municipal Code, Chapter 2, Article 2, Division 1. (See RTK-1, Attachment 3 for recommended language.)

Vote: 3-0; Frye-yea, Atkins-yea, Madaffer-yea

4. **Right To Know Committee Regular Meetings** (June 23, 2004, meeting)

Action: to continue meeting as the Right To Know Committee on an as needed basis, but no less than once a year to discuss issues regarding the advancement of open government in San Diego.

Vote: 3-0; Frye-yea, Atkins-yea, Madaffer-yea

5. **Public's Ability To Obtain Documents** (June 16, 2004, meeting)

Action: to direct the City Clerk's Office to enhance sections of the City Clerk's website related to requests for public documents, change the "Date of Request" form to be more specific, add fact sheets about how to file a public records request, post a list of records management liaisons/coordinators on the website for each city department, board and commission, add informational language to the City Council docket on how to file a public records request, provide a specific timeframe to those who file a public records request as to when the documents requested will be provided, that public documents be made available in a meaningful and understandable way and that documents that are lengthy and/or controversial be distributed one (1) additional week before the City council meeting that will consider the item.

Vote: 2-0; Frye-yea, Atkins-yea, Madaffer-not present

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS (Continued)

COMMITTEE ON RIGHT TO KNOW:

RESOLUTION: (Continued)

ITEM-334: (Continued)

RIGHT TO KNOW COMMITTEE'S RECOMADATION: (Continued)

6. Noticing of Meetings and Supplemental Agenda Items (May 27, 2004, meeting)

Action: to direct the City Clerk to include a section on the fourteen-seventy-two-form (the document required to be submitted to the City Clerk by a City department for an issue to be included on the City Council agenda) and supplemental agenda documents that would provide a concise synopsis explaining why the item was docketed as supplemental and to report back on how to better notice supplemental items to the public and that supplemental items should only be used with the greatest discretion and care and be used only when the normal docketing process cannot be accommodated.

Vote: 2-0; Frye-yea, Madaffer-yea, Atkins-not present

7. Conduct further research regarding the extension of the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meetings to all Boards and Commissions associated with the City of San Diego (June 23, 2004, meeting)

Action: to refer this issue for further research to the City Attorney and City Manager and to return to the RTK Committee no later than six (6) months from June 23, 2004, with a report that includes the following items:

1. Assess the level of responsibility of each board and commission.
2. Determine the costs associated with applying stronger Brown Act requirements.
3. Investigate how more public input from the various boards and commissions can be included in the discussion of this issue.
4. Evaluate extending noticing requirements to ad-hoc committees associated with the City of San Diego.

Vote: 3-0; Frye-yea, Atkins-yea, Madaffer-yea

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT